

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE LEBRON, on behalf of himself and others similarly situated,

Plaintiff,
- against -

LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ; and/or any other related entities ,

Defendants.

Case No.: 17-CV-3953 (JPO)

**STIPULATION AND
PUBLICATION
ORDER**

WHEREAS, the parties have agreed that in order to avoid the uncertainty and costs of litigating Plaintiffs' conditional certification motion pursuant to Section 216(b) of the FLSA and form of Plaintiffs' proposed Notice of Lawsuit and Consent to Joinder form, and Proposed Publication Order, the issue of conditional certification and the content of any notice of lawsuit and publication should be resolved without further litigation and motion practice;

WHEREAS, the parties have agreed that the entry of this Order and the Notice of Lawsuit (attached hereto as **Exhibit A**) and Consent to Join form (attached hereto as **Exhibit B**) is the most appropriate means of resolving these matters;

WHEREAS, Defendants do not admit any liability on their part on any basis regarding any of the allegations in the Complaint, and the resolution of this dispute regarding conditional certification and the form of lawsuit shall not be deemed or construed as an admission of liability on the part of Defendants of any nature;

WHEREAS, the notice period agreed to by the parties and contained in this Order and the attached Notice of Lawsuit, May 24, 2011 through the present, is for notice purposes only;

WHEREAS, Defendants expressly reserve all rights and defenses in connection with this lawsuit, including but not limited to, the right to move in the future to decertify any FLSA opt-in class which is hereby conditionally certified, and all rights and defenses related to the proper statute of limitations with respect to each individual opt-in plaintiff's FLSA claims;

WHEREAS, the Court, having read and considered the [proposed] Notice of Lawsuit and Consent to Joinder form, and

WHEREAS, the Court, finding that there exists sufficient grounds for entering this Order;

IT IS HEREBY ORDERED that:

1. The Court approves that attached form of Notice of Lawsuit and Consent to Joinder, and finds that the mailing of such Notice substantially in the manner and for set forth in this Stipulation and Order will constitute the best notice practicable under the circumstances to members of the collective class ("Collective Class Members"), herein defined as:

The Plaintiff and all current and former employees of LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ, and/or any related entities who performed work as superintendents, porters, janitors, cleaners, maintenance workers, and other similar job functions for Defendants from May 24, 2011 through the present. Corporate officers, shareholders, directors, administrative employees, supervisors and other customarily exempt employees are not part of the defined class.

2. Within thirty (30) days after the entry of this Order, Defendants shall furnish to Plaintiffs' counsel a list containing the names, telephone numbers, and last known address of all Collective Class Members. This mailing list is to be furnished to Plaintiffs' counsel in electronic form and shall be treated, at all times and by all parties, as confidential.

3. On or before forty-five (45) days after the entry of this Order, the Plaintiffs, or their designated representatives, shall cause a copy of the Notice of Lawsuit and Consent to Joinder Form to mailed via first class mail to all Collective Class Members.

4. The Notice of Lawsuit and Consent to Joinder shall be distributed in both English and Spanish.

5. Plaintiffs may also publish the Notice of Lawsuit and Consent to Joinder Form, as a .pdf or other electronic form, on Plaintiffs' Counsel's website, www.leedsbrownlaw.com.

6. Any Consent to Joinder Form must be returned to Leeds Brown Law, P.C., with a postmark no later than ninety (90) days after the date of mailing of the Notice.

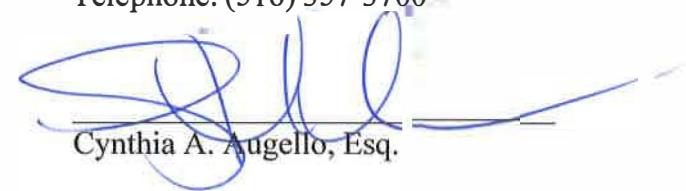
Dated: November 9, 2017
New York, New York

LEEDS BROWN LAW, P.C.
One Old Country Road, Suite 347
Carle Place, New York 11514
(516) 873-9550


Laura R. Reznick, Esq.

Attorneys for Plaintiff and Putative Class

CULLEN AND DYKMAN, LLP
100 Quentin Roosevelt Blvd.
Garden City, NY 11530
Telephone: (516) 357-3700


Cynthia A. Augello, Esq.

Attorney for Defendants

SO ORDERED.

Dated: November 14, 2017
New York, New York


J. PAUL OETKEN
United States District Judge

Exhibit A

Proposed 216(b) Notice

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE LEBRON, on behalf of himself and others similarly situated,

Plaintiff,

- against -

LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ; and/or any other related entities ,

Defendants.

Case No.: 17-CV-3953 (JPO)

**NOTICE OF
WAGE & HOUR
LAWSUIT**

TO: All individuals who currently or formerly performed work as superintendents, porters, janitors, cleaners, maintenance workers, and other similar job functions for Defendants LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ; and/or any other related entities since May 24, 2011. Corporate officers, shareholders, directors, administrative employees, and other customarily exempt employees are not a part of the defined class.

- This notice has been authorized by United States Judge J. Paul Oetken and may affect your legal rights. This is not a solicitation from a lawyer. Plaintiff EUGENE LEBRON ("Plaintiff") alleges that he was formerly employed by Defendants LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ, and/or any related entities ("LESPMHA" or "Defendants") and has brought this lawsuit on behalf of himself and other current and former individuals to seek payment of allegedly unpaid overtime wages and other labor law violations. You may be owed overtime wages if you worked for the Defendants at any time from May 24, 2011 through the present.
- Defendants deny that they violated the Fair Labor Standards Act ("FLSA") or the New York Labor Law ("NYLL") in any way.
- Receipt of this notice does not indicate an entitlement to recovery. No determination has been made that you are owed any overtime wages, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

1. Why did I get this notice?

The purpose of this notice is to inform you of the existence of a collective action lawsuit, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit.

2. What is this lawsuit about?

This lawsuit is about:

Whether Defendants violated the Federal Fair Labor Standards Act, as well as New York State Labor Law, by failing to pay overtime wage in any week to individuals **who worked as** superintendents, porters, janitors, cleaners, maintenance workers, and other similar job functions..

You may have claims under the FLSA that date from May 24, 2011 to the present.

Defendants Defendants LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ, and/or any related entities deny that they violated the FLSA or the NYLL in any way. They contend that these individuals were appropriately paid.

The Court has not yet decided who is correct.

3. How do I join this lawsuit?

If you would like to join this lawsuit, you must sign and promptly return the enclosed "Consent to Join Form" Form by **[90 days from date of mailing]**. An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Leeds Brown, P.C.
One Old Country Road, Suite 347
Carle Place, New York 11514
RE: LESPMHA WAGE AND HOUR LITIGATION

You may also email the completed Consent to Join Form to Plaintiffs' attorneys at lreznick@leedsbrownlaw.com.

If you do not sign and return the Consent to Join Form by **[90 days from date of mailing] you may not be able to participate in the FLSA portion of this lawsuit.**

4. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment. You will also share in any proceeds from a settlement or judgment. While this lawsuit is pending, you may be asked to provide oral or written discovery with respect to your claim. To join this lawsuit, you must sign and promptly return the enclosed "Consent to Join Form" by **[90 days from date of mailing]**.

5. What happens if I do nothing or want to stay out of the lawsuit?

If you choose not to join this lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the case in any way and therefore will not be entitled to share in any amounts recovered by the Plaintiffs if they are successful in obtaining an award from a trial or settlement of this lawsuit. You will also not be affected by any ruling, judgment or settlement rendered in this lawsuit. You have the right to retain your own counsel to represent you and to file an independent lawsuit. However, if you hire your own attorney, you may be responsible for paying that attorney. You should also be aware that your federal wage and hour claims are limited by either a two or three year statute of limitations. Delay in joining this action or proceeding separately may result in some or all of your potential claims expiring as a matter of law.

6. What are the Plaintiffs seeking?

Plaintiffs are seeking to recover unpaid overtime wages and statutory penalties. Plaintiffs are also seeking liquidated damages, attorneys' fees and costs.

7. Will I have a lawyer in this case?

If you choose to join this lawsuit, you have the right to be represented by counsel of your own choosing. If you retain your own counsel, you must make your own financial arrangements with your attorney.

If you do not appoint your own attorney, you will be represented by the Plaintiff's attorneys, as counsel for the proposed FLSA action, who are: Laura R. Reznick, Esq, Michael Tompkins, Esq., Jeffrey K. Brown, Esq. and other lawyers at Leeds Brown Law, P.C., located at One Old Country Road, Suite 347, Carle Place, New York 11514, telephone: (516) 873-9550, facsimile: (516) 747-5024, www.leedsbrownlaw.com. If you are represented by Leeds Brown Law, P.C., any attorneys' fees will be paid out of any recovery that is obtained. If there is a recovery, the fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the court to be paid by the Defendants, or may be a combination of both. If you are represented by Leeds Brown Law, P.C. and Plaintiffs do not recover anything in this lawsuit, you will not have to pay any attorneys' fees.

8. Can LESPMHA retaliate against me for joining this lawsuit?

The FLSA and New York Labor Law prohibits LESPMHA and Defendants from firing, disciplining, or in any manner discriminating or retaliating against you because you "opt-in" to this case, or have in any other way exercised your rights under the FLSA.

9. What if I still have questions?

If you have any questions about this lawsuit, or would like further information about this notice or the deadline for filing a Consent to Join Form, you can contact the Plaintiffs' attorneys, Laura R. Reznick, Michael Tompkins, or Jeffrey K. Brown of Leeds Brown Law, P.C. at (516) 873-9550.

You may also email any questions to Plaintiffs' attorneys at lreznickw@leedsbrownlaw.com.

PLEASE DO NOT CONTACT THE CLERK OF THE COURT WITH QUESTIONS INVOLVING THIS LAWSUIT

Date of Mailing: [Date]

Exhibit B

Proposed Consent to Join Form

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE LEBRON, on behalf of himself and others similarly situated,

Plaintiff,
- against -

LOWER EAST SIDE PEOPLE'S MUTUAL HOUSING ASSOCIATION, INC.; RICHARD RAMIREZ; and/or any other related entities ,

Defendants.

Case No.: 17-CV-3953 (JPO)

**CONSENT TO JOIN
LAWSUIT**

By signing below, I _____ (Print Name) consent to participate in this lawsuit. I further consent to representation in this lawsuit by the law firm of Leeds Brown Law, P.C., Old Old Country Road, Suite 347, Carle Place, New York 11514, telephone (516) 873-9550, website at www.leedsbrownlaw.com.

I understand that I am permitted to proceed with alternative counsel of my own choosing at my own expense.

Signature: _____ Print Name: _____

Address: _____

Phone Number: (_____) _____ Date: _____

E-mail: _____ @ _____

THE LAST DAY TO FILE THIS CONSENT TO JOIN FORM IS [90 Days from Mailing]

*UNTIMELY CONSENT TO JOIN FORMS WILL BE REJECTED UNLESS GOOD CAUSE IS SHOWN
FOR THE DELAY*

IF YOU WISH TO JOIN THIS LAWSUIT, YOU MUST RETURN THE ENCLOSED
CONSENT TO JOIN FORM POSTMARKED BY [90 Days from Mailing] TO:

*Leeds Brown, P.C.
One Old Country Road, Suite 347
Carle Place, New York 11514
RE: LESPMHA WAGE AND HOUR LITIGATION*